

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

Translation

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See Form PCT/ISA/210 (sheet 2)**

Applicant's or agent's file reference

R9156WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2004/002806

International filing date (day/month/year)

29.10.2004

Priority date (day/month/year)

31.10.2003

International Patent Classification (IPC) or both national classification and IPC

H04Q7/34

Applicant

WAVECOM

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

PCT/FR2004/002806

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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International application No.

PCT/FR2004/002806

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims		YES
	Claims	1-16	NO
Inventive step (IS)	Claims		YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO
2. Citations and explanations:			
<p>Reference is made to the following document:</p> <p style="margin-left: 40px;">D1: US 2002/072359 A1 (HERLE SUDHINDRA P <i>ET AL</i>) 13 June 2002 (2002-06-13)</p> <p style="margin-left: 40px;">1. The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 does not meet the requirement of novelty defined in PCT Article 33(2).</p> <p style="margin-left: 40px;">Document D1 describes (the references between parentheses apply to this document) a method of analyzing the operation of a radio communication terminal according to a predetermined radio communication protocol (paragraph 18) or the said radio communication terminal transmits data representative of at least one operation to be analyzed to a remote analysis device, via a link according to the said predetermined radio communication protocol (paragraph 23, 68).</p> <p style="margin-left: 40px;">Independent claims 15 and 16 respectively define a terminal and a remote analysis device comprising means of implementing the method of analysis according to any one</p>			

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/002806

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

of claims 1 to 13 and therefore do not meet the novelty criterion either (PCT Article 33(2)).

2. Dependent claims 2, 3, 10 (D1, paragraph 68), 4, 5, 11 (D1, paragraph 18), 6, 7, 12, 13 (D1, paragraph 18, 23, 68) and 8, 9 (D1, paragraph 31) do not contain any features which, in combination with the features of any one of claims to which they refer, meet the requirements of the PCT in respect of novelty and inventive step.

3. Independent claim 1 is not formulated correctly in the two-part form in accordance with PCT Rule 6.3(b), which in the present case would be appropriate, with those features known in combination from the prior art (D1) being placed in the preamble (PCT Rule 6.3(b)(i)), and the remaining features being placed in the characterizing part (PCT Rule 6.3(b)(ii)).